



Legislation Text

File #: 02806, Version: 2

**Fiscal Note**

It is anticipated that the Ordinance change may result in the issuance of a few more permits and a minimal increase in General Fund revenues

**Title**

SUBSTITUTE - Authorizing the adoption of amendments to the "Regulations Governing Vending on the State Street Mall/Capitol Concourse" to declare that locally produced or made CD's are ~~not~~ handcrafted goods for purposes of arts and crafts vending, to change the vehicle loading times for food carts on the Mall/Concourse and to require a 10-gallon minimum trash can for Mall/Concourse food vendors.

**Body**

WHEREAS, Section 9.13(6) of the Madison General Ordinances provides that the Vending Oversight Committee (VOC) is empowered to promulgate regulations not inconsistent with Sec. 9.13, governing the sale of goods and personally prepared food on the State Street Mall/Capitol Concourse; and the number, size, location of vending sites therein; and WHEREAS, pursuant to Sec. 9.13 the Common Council must approve certain regulations promulgated by the VOC; and WHEREAS, said regulations are currently published in documents entitled "Regulations Governing Vending on the State Street Mall/Capitol Concourse;" and

WHEREAS, at its meeting on April 26, 2006, the VOC decided that locally recorded or produced CD's could be sold as handcrafted goods on the Mall-Concourse; and

WHEREAS, at its meeting on July 27, 2005, the VOC promulgated amendments to the Regulations Governing Vending on the State Street Mall/Capitol Concourse to declare that Compact Discs (CD's), regardless of whether the music was locally recorded or produced, are not handcrafted goods for purposes of being "arts and crafts" that can be sold on the street within the State Street Mall/Capitol Concourse; and

WHEREAS, at its meeting on November 30, 2005, the VOC promulgated amendments to these Regulations to change the hours during which food cart vendors on the Mall/Concourse, may use vehicles to load and unload equipment and supplies from their vending sites; and

WHEREAS, at its meeting on November 30, 2005, the VOC also promulgated amendments to these Regulations to require a minimum 10-gallon trash receptacle for food vendors on the Mall-Concourse, in Late-Night vending sites and other food vending sites city-wide; and

WHEREAS, said amendments are set forth in this Resolution using underlines and strike-outs to show changes as appropriate.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council approve amendments to the "Regulations Governing Vending on the State Street Mall/Capitol Concourse" recommended by the VOC, as follows:

1. THE "PROVISIONS FOR SPECIFIC HANDCRAFTED GOODS" ARE AMENDED TO ADD THE FOLLOWING:

"COMPACT DISCS (CD'S)

Compact Discs (CD's) of any kind are not considered handcrafted goods under this section, regardless of what is recorded on the CD or whether unless the recording was made or produced locally."

2. AMENDING SECTION IX., "MISCELLANEOUS REGULATIONS,"

PARAGRAPH A., "RESTRICTIONS ON MOBILITY," SUBPARAGRAPH 1. AS FOLLOWS:

"1. Vending equipment and supplies shall be moved to and from sites manually between the hours of ~~40:30 a.m.~~ 11:00 a.m. and 2:30 p.m. motorized vehicle may be used at all other times or in the event of severe weather. Any driving on the sidewalk or pedestrian walkway shall be done at a speed of less than 5 miles per hour and with due regard to the safety of pedestrians."

3. AMENDING SECTION VI., "REGULATION OF VENDING SITE CLEANLINESS AND SAFETY" PARAGRAPH B., AS FOLLOWS:

"B. Food vendors shall provide at least one 10-gallon or larger trash receptacle within ~~in~~ their vending site, available for public customer use."

4. AMENDING SECTION VII., NON-CART FOOD VENDOR PHYSICAL

SPECIFICATIONS, PARAGRAPH B., AS FOLLOWS:

"B. All vending apparatus equipment and stock shall be contained within the food vending site (the dimensions of the specific assigned site, or the maximum food vending site size of 10' x 12', whichever is smaller and shall not exceed a vertical height of ten (10) feet including signage, except that a tent or canopy peak may not exceed a vertical height of eleven (11) feet. In addition, the trailer hitch or "tongue" can extend beyond the actual assigned vending site size provided the tongue is directly pointed toward the pole where electricity for the cart is provided."